

PROB 12A  
(7/93)

UNITED STATES DISTRICT COURT

for

Western District of Texas

**Report on Offender Under Supervision**

Name of Offender: Lameka Alexander Lowe

Case Number: A-16-CR-286-LY(1)

Name of Sentencing Judicial Officer: The Honorable Lee Yeakel, United States District Judge,  
Western District of Texas

Date of Original Sentence: June 28, 2017

Original Offense: Count Two: Supplemental Security Income Benefits Fraud, in violation of 42  
U.S.C. § 1383a (a)(3)

Original Sentence: Three (3) years Probation to include the following special conditions: mental  
health treatment, take all medication as directed by a doctor/psychiatrist, financial disclosure, pay  
a \$100 Special Assessment (paid in full) and \$40,156 Restitution (paid \$6,207.56)

Type of Supervision: Probation

Date Supervision Commenced: June 28, 2017

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**PREVIOUS COURT ACTION**

On August 29, 2017, pursuant to *U.S. v Albro*, 32 F.3d 173 (5<sup>th</sup> Cir. 1994), the court ordered that the defendant pay toward the outstanding restitution balance at the rate of no less than \$100 per month.

By way of a Report on Offender Under Supervision (12A), on September 23, 2019, the Court was advised of delinquent restitution payments. Based on monitoring by the Financial Litigation Unit, no further action was recommended; the Court concurred.

By way of a Report on Offender Under Supervision (12A), on January 22, 2020, the Court was advised of delinquent restitution payments. Based on monitoring by the Financial Litigation Unit, no further action was recommended; the Court concurred.

**NONCOMPLIANCE SUMMARY**

**Violation Mandatory Condition No. 7:** “If the judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of the judgment.”

**Nature of Noncompliance:** On August 29, 2017, pursuant to *U.S. v Albro*, 32 F.3d 173 (5<sup>th</sup> Cir. 1994), the court ordered that the defendant pay toward the outstanding restitution balance at the rate of no less than \$100 per month due by the 30<sup>th</sup> of each month beginning August 30, 2017. The

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defendant has not made a monthly payment since February 22, 2019. However, on April 24, 2019, the defendant's income tax refund, totaling \$4,607.56, was garnished by the U.S. Attorney's Office. To date, a total of \$6,307.56 has been satisfied (to include the \$100 special assessment); the outstanding balance is \$33,948.44.

The defendant continues to struggle with mental health issues. From August 12, 2019, to January 6, 2020, she was unemployed and earned \$404 monthly for short-term disability due to her unstable mental health. She has returned to her employment on a part-time basis, earning approximately \$1,400 monthly. She reported she will resume full-time employment on June 1, 2020. Additionally, her husband was injured and unemployed for several months, which significantly effected their household income.

The defendant is identified with the Treasury Offset Program (TOPS) through the Financial Litigation Unit. Each year, her tax refunds are garnished and attributed towards her outstanding restitution balance. She has provided verification that her 2019 tax refund totaling \$574, has been set for garnishment; however, to date, these funds have not been credited.

The defendant is set to expire her probation term on June 27, 2020. She has an outstanding restitution balance of \$33,948.44.

**U.S. Probation Officer Action:**

Based on the defendant's financial struggles and her inability to pay a \$100 monthly installment towards restitution at this time, this office is providing notice to the Court for information purposes. A notification to the Financial Litigation Unit (FLU) remains pending upon receipt of the defendant's financial affidavit. Based on the defendant's participation in the TOPS program through FLU and impending credit of her 2019 tax refund, it is respectfully recommended that the Court take no further action at this time and allow the defendant's probation to expire on June 27, 2020, while owing toward an outstanding restitution balance.

Respectfully submitted,



Kathleen Dow  
U.S. Probation Officer  
Date: May 4, 2020

Approved: 

Craig Handy  
Supervising U.S. Probation Officer

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**THE COURT ORDERS:**

- ☒ No Action
- ☐ Submit a Request for Modifying the Condition or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other



Susan Hightower  
U.S. Magistrate Judge

May 5, 2020  
Date